

WATER CARRIER MIXING RULE

DECEMBER 14, 1970.—Ordered to be printed

Mr. STAGGERS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 8298]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, and 6 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and insert in lieu thereof the following: *The exemption afforded under this subsection to the transportation by a water carrier of commodities in bulk shall not be lost by the concurrent transportation in the same vessel of other commodities. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel.*

And the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 2. The amendment made by the first section of this Act shall expire at the end of the three-year period beginning on the date of its enactment. The Secretary of Transportation shall undertake a comprehensive study of the present system of economic regulation of dry bulk commodity transportation, including information on amounts actually charged for the movement of dry bulk commodities; of the effect of this Act upon the carriers to whom it applies and upon the shippers of dry bulk commodities; and what changes in the existing regulatory system, if any, would be desirable to improve competitive conditions between carriers of different modes whether or not subject to the provisions of the Interstate Commerce Act. The Interstate Commerce Commission and the Secretary of the Army are directed to cooperate fully with the Secretary of Transportation in carrying out the purposes of this Act, and to submit such independent and separate comments and views as those agencies deem appropriate. The Secretary shall transmit the results of such study to the Congress within two years after the date of enactment of this Act.

And the Senate agree to the same.

Amendment to the title:

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,

Managers on the Part of the House.

WARREN G. MAGNUSON,
VANCE HARTKE,
ERNEST F. HOLLINGS,
WINSTON PROUTY,
HOWARD H. BAKER, Jr.,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments Nos. 3, 5, and 6 made conforming changes in the House bill. With respect to these amendments the House recedes.

REQUIREMENTS AS TO RATE FILING

Amendment No. 1: The bill passed by the House required that water carriers operating under the exemption contained in section 303(b) of the Interstate Commerce Act file rates for the movement of dry bulk commodities under section 306 of that act. Senate amendment No. 1 removes this requirement for rate filing. The House recedes.

REQUIREMENTS AS TO MIXING OF COMMODITIES

Amendment No. 2: The bill as passed by the House provided that dry bulk commodities could be mixed with other commodities without losing the exemption provided under section 303(b) of the Interstate Commerce Act. The House bill also retained the concept that a carrier could not mix more than three dry bulk commodities in a single tow, regardless of the number of barges in the tow. Senate amendment No. 2 struck out the House language permitting the mixing of dry bulk commodities with other commodities and also struck out the language contained in the House bill which limited a carrier to mixing not more than three dry bulk commodities in a single tow. The effect of the Senate amendment is to permit the mixing of not more than three dry bulk commodities in a single barge, without regard to the number of barges in a tow.

The House recedes with an amendment. Under the language of the conference agreement the House approach with respect to the requirements as to the mixing of dry bulk commodities is retained, as is the concept that a carrier cannot mix more than three dry bulk commodities in a single tow, regardless of the number of barges in the tow. The language agreed to makes it clear that dry bulk commodities may be mixed with other commodities in the same tow without losing the exemption provided under section 303(b) of the Interstate Commerce Act.

EXPIRATION DATE AND STUDY

Amendment No. 4: The bill as passed by the House provided that the legislation would expire 2 years after the date of its enactment. It also required the Interstate Commerce Commission to report to the Congress on the effects of the legislation on the water carriers not less than 90 days before the expiration date of the legislation. Senate amendment No. 4 struck out the expiration date contained in the House bill making the legislation permanent. The amendment also transferred the study from the Interstate Commerce Commission to the Department of Transportation and broadened the scope of the study to include the movement of dry bulk commodities by all modes of transportation. It also required the Interstate Commerce Commission and the Secretary of the Army to cooperate in the study. A report was required within 2 years after enactment of the legislation.

The House recedes with an amendment. Under the language of the conference agreement the legislation will expire 3 years after its enactment. The Department of Transportation must report to the Congress within 2 years after such date of enactment. The study follows the broad scope outlined in the Senate amendment but the Interstate Commerce Commission and the Secretary of the Army are directed to submit such independent and separate comments and views as they deem appropriate. It also requires the Secretary of Transportation to examine amounts actually charged for the transportation of dry bulk commodities, and he has ample authority to require exempt water carriers to file such reports containing such information as he may prescribe to carry out the study.

AMENDMENT TO THE TITLE

The Senate also amended the title of the House bill to make it clear that the bill provides for more than just the amendment to section 303(b) of the Interstate Commerce Act.

The House recedes.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,

Managers on the Part of the House.